

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHARLES W. JONES,

X
12 Civ. 4051 (JS) (GRB)

Plaintiff,

-against-

**ATTORNEY DECLARATION
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

BAY SHORE UNION FREE SCHOOL DISTRICT;
PETER J. DION, Individually and as Superintendent of
the Bay Shore Union Free School District; EVELYN
BLOISE HOLMAN, Individually and as the former
Superintendent of the Bay Shore Union Free School
District; and ROBERT PASHKEN, Individually and as
Principal of Bay Shore High School.

Defendants.

X

STEVEN C. STERN, an attorney duly admitted to practice law in the Courts of the State
of New York, hereby affirms, under penalty of perjury, the following:

1. I am a partner of the law firm of SOKOLOFF STERN LLP, attorneys for defendants in the above-captioned action.
2. I submit this Declaration in connection with defendants' motion for summary judgment pursuant to Fed. R. Civ. P. 56.
3. The attached exhibits are relevant to defendants' motion. The exhibits are true and accurate copies of what they purport to be.
4. Annexed hereto as Exhibit A is a copy of Plaintiff's Second Amended Complaint, dated December 18, 2012, and filed on May 28, 2013.
5. Annexed hereto as Exhibit B is a copy of Defendants' Answer to the Second Amended Complaint, dated and filed on June 25, 2013.

6. Annexed hereto as Exhibit C is a copy of the Court's Decision and Order, dated May 28, 2013.

7. Annexed hereto as Exhibit D is the transcript of the August 13, 2014 and August 15, 2013 deposition of plaintiff Charles W. Jones.

8. Annexed hereto as Exhibit E is the transcript of the July 30, 2014 deposition of defendant Dr. Evelyn B. Holman.

9. Annexed hereto as Exhibit F is the transcript of the July 30, 2014 deposition of defendant Peter Dion.

10. Annexed hereto as Exhibit G is the transcript of the August 7, 2014 deposition of defendant Robert Pashkin.

11. Annexed hereto as Exhibit H is the transcript of the August 7, 2014 deposition of non-party Denise Watford.

12. Annexed hereto as Exhibit I is the transcript of the August 27, 2014 deposition of non-party James McGowan.

13. Annexed hereto as Exhibit J is the transcript of the September 26, 2014 deposition of non-party Sharon Daniels.

14. Annexed hereto as Exhibit K is the transcript of the September 26, 2014 deposition of non-party Damalii Jones.

15. Annexed hereto as Exhibit L are excerpts from the October 14 and October 23, 2014 transcripts of the deposition of non-party Guy Patrick.

16. Annexed hereto as Exhibit M is a copy of documents contained in Bay Shore Union Free School District file of correspondence and statements relating to the investigation

underlying plaintiff's disciplinary matter, bearing page numbers Bay Shore 00002 through 00060.

17. Annexed hereto as Exhibit N is a copy of a letter from Superintendent Gene L. Schmidt to plaintiff, dated May 1, 1985, bearing page number Bay Shore 00286.

18. Annexed hereto collectively as Exhibit O is a copy of a letter from the District Clerk to plaintiff dated May 7, 1985 bearing page number Bay Shore 00473, and Notice of Charges and Hearing, bearing page numbers Bay Shore 00474 through 00477.

19. Annexed hereto as Exhibit P is a copy of the transcript of the stipulation regarding plaintiff's misconduct, dated November 15, 1985, bearing page numbers Bay Shore 00479 through 00495.

20. Annexed hereto as Exhibit Q is a copy of the memo from James McGowan to Dr. Evelyn Holman, dated January 23, 1998, bearing page number Bay Shore 00497.

21. Annexed hereto as Exhibit R is a copy of a letter from Lawrence F. Spirn to plaintiff, dated January 23, 1998, bearing page number Bay Shore 00287.

22. Annexed hereto as Exhibit S is a copy of a letter from the State Education Department/The University of the State of New York to Lawrence F. Spirn, dated, June 15, 1998, bearing page number Bay Shore 00370.

23. Annexed hereto as Exhibit T is a copy of a letter from Lawrence F. Spirn to plaintiff, dated January 11, 2000, bearing page number Bay Shore 00292.

24. Annexed hereto as Exhibit U is a copy of the Notice of Substantial Question as to Moral Character from the University of the State of New York Education Department, dated July 28, 2000, bearing page number Bay Shore 00089.

25. Annexed hereto as Exhibit V is a certified copy of the transcript of plaintiff's State Education Department hearing, dated February 15, 2001, bearing page numbers Bay Shore 00090 through 00175.

26. Annexed hereto as Exhibit W is a copy of the decision on plaintiff's appeal of the findings and recommendation of the University of the State of New York Education Department, dated March 1, 2002, bearing page numbers Bay Shore 00547 through 00556.

27. Annexed hereto as Exhibit X is a copy of printout reflecting that plaintiff's school social worker licenses were revoked, dated March 23, 2010, bearing page number Bay Shore 00616.

28. Annexed hereto as Exhibit Y is a copy of a letter from Lawrence F. Spirn to plaintiff, dated February 13, 2008, bearing page number Bay Shore 00318.

29. Annexed hereto as Exhibit Z is a copy of a letter from Evelyn Holman to plaintiff, dated November 19, 2009, bearing page number Bay Shore 00326.

30. Annexed hereto as Exhibit AA is a copy of a letter from plaintiff to Evelyn Holman, dated December 7, 2009, bearing page number Bay Shore 00327.

31. Annexed hereto as Exhibit BB is a copy of a letter from Evelyn Holman to plaintiff, dated December 14, 2009, bearing page number Bay Shore 00328.

32. Annexed hereto as Exhibit CC is a copy of a letter from plaintiff to Evelyn Holman, dated December 17, 2009, bearing page number Bay Shore 00329.

33. Annexed hereto as Exhibit DD is a copy of a letter from Evelyn Holman to plaintiff, dated December 18, 2009, bearing page number Bay Shore 00330.

34. Annexed hereto as Exhibit EE is a certified copy of the General Municipal Law § 50-h hearing transcript of plaintiff Charles W. Jones, dated May 21, 2012, bearing page numbers Bay Shore 00239 through Bay Shore 00283.

35. Annexed hereto as Exhibit FF is a copy of the Agenda of the Bay Shore – Brightwaters Multi-Cultural Committee, dated February 1, 2012, bearing page number Bay Shore 00238.

36. Annexed hereto as Exhibit GG is a copy of a letter from Superintendent Peter Dion to plaintiff, dated December 8, 2011, bearing page number Bay Shore 00340.

37. Annexed hereto as Exhibit HH is a copy of an email from plaintiff to Peter Dion, dated December 14, 2011, bearing page numbers Bay Shore 00343 through 00344.

38. Annexed hereto as Exhibit II is a copy of a letter from Peter Dion to plaintiff, dated December 14, 2011, bearing page number Bay Shore 00342.

39. Annexed hereto as Exhibit JJ is a copy of an email from plaintiff to Peter Dion, dated December 14, 2011, bearing page number Bay Shore 00345.

40. Annexed hereto as Exhibit KK is a copy of a letter from Peter Dion to plaintiff, dated December 16, 2011, bearing page numbers Bay Shore 00348 through 00349.

41. Annexed hereto as Exhibit LL is a copy of a letter from Peter Dion to plaintiff, dated February 13, 2012, bearing page number Bay Shore 00367.

42. Annexed hereto as Exhibit MM is a copy of a Proclamation from County Executive Steven Bellone to Superintendent Peter Dion for his work in support of the principles and goals of Dr. Martin Luther King, Jr., dated January 18, 2013, bearing page number Bay Shore 00662.

43. Annexed hereto as Exhibit NN is a disc containing surveillance video from "Gomez's," dated February 16, 2012.

44. Annexed hereto as Exhibit OO is a copy of the statements from students concerning an incident that took place on February 16, 2012, bearing page numbers Bay Shore 00501 through 00505.

45. Annexed hereto as Exhibit PP is a copy of the Civilian Arrest Form for Damalii Jones, dated February 16, 2012, bearing page number Bay Shore 00506.

46. Annexed hereto as Exhibit QQ is a copy of a memorandum from Denise Watford to Dr. Maloney, dated February 27, 2012, bearing page number Bay Shore 00500.

47. Annexed hereto as Exhibit RR is a copy of the Bay Shore Schools Code of Conduct for the 2011/2012 school year, bearing page numbers Bay Shore 00573 through 00576.

48. Annexed hereto as Exhibit SS is a copy of the Agreement Resolving Disciplinary Proceeding relating to Damalii Jones, dated March 6, 2012, bearing page numbers P0002 through P0004.

49. Annexed hereto as Exhibit TT is a copy of the decision of the United States Department of Education Office for Civil Rights, dated August 29, 2012, bearing page numbers Bay Shore 00566 through 00572.

50. Annexed hereto as Exhibit UU is a copy of the Bay Shore Union Free School District's Policy 1240, "Visitors to the Schools," and the related regulation 1240-R, bearing page numbers Bay Shore 00609 and 00610.

51. Annexed hereto as Exhibit VV is the affidavit of Dr. Evelyn Holman, dated January 8, 2015.

52. Annexed hereto as Exhibit WW is the affidavit of non-party James McGowan, dated January 8, 2015.

53. Annexed hereto as Exhibit XX is the affidavit of Tracy Lagudi Cannon, dated January 8, 2015.

54. Annexed hereto as Exhibit YY is the affidavit of Nadine Summers, dated January 9, 2015.

Dated: Carle Place, New York
January 9, 2015



Steven C. Stern
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